

## **EXECUTIVE ORDER**

**05-21**

**December 1, 2005**

### **ESTABLISHMENT OF THE EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES AND SECRETARY OF HEALTH AND HUMAN SERVICES**

WHEREAS, the Governor established by Executive Order 04-03, an Office of Health and Human Services within the Executive Department of the State, (hereinafter the “Office”), to be led by a managing director, appointed by and serving at the pleasure of the Governor; and

WHEREAS, the central purpose for establishing the Office was to address the need for structured and formal inter-departmental cooperation and collaboration between the five (5) departments responsible for administering the publicly-financed health and human services programs that serve all Rhode Islanders and provide direct assistance and support services to more than 248,000 individuals and families at a cost of over \$2.7 billion per year: the Department of Children, Youth and Families; the Department of Elderly Affairs; the Department of Health; the Department of Human Services; and the Department of Mental Health, Retardation and Hospitals (collectively, the “Departments”); and

WHEREAS, the Executive Order charged the Managing Director of the Office with the responsibility for taking the steps necessary to lead the Departments in improving the economy, efficiency, coordination, and quality of: health and human services policy and planning, budgeting and financing; administrative services and human resources management; communication with and responsiveness to consumers, state and federal policy-makers, and the network of public and private providers that play an essential role in the delivery of services; and

WHEREAS, the Office and the Departments have undertaken a variety of initiatives to achieve these ends and are committed to continuing to work in concert to preserve and promote each Department's unique mission while striving to attain better outcomes for all the people and communities they serve; and

WHEREAS, at the direction of the Governor, the Office has played a key role in conducting independent evaluations of critical health and human services issues and in assisting the Departments in developing strategies to remedy/address consumer and community concerns; and

WHEREAS, recent and expected changes in federal health and human services policy, particularly with respect to Medicaid, as well as in State programs that affect the financing, organization, and delivery of state-administered health and human services programs pose new challenges and opportunities that have further increased the need for interdepartmental coordination and collaboration; and

WHEREAS, to meet this need, while continuing to build on the achievements that have already been made and perform independent evaluations, the role of the Office must be redefined and the scope of its management, supervisory, and oversight responsibilities must be further refined and clarified.

NOW, THEREFORE, I, DONALD L. CARCIERI, by virtue of the authority vested in me as Governor of the State of Rhode Island and Providence Plantations, do hereby order as follows:

1. An Executive Office of Health and Human Services (the "EOHHS") is hereby established within the Executive Department of the State to serve as the successor to the Office created by Executive Order 04-03 which is hereby rescinded. The EOHHS shall be supervised by a Secretary, who shall be selected by, and serve at the pleasure of, the Governor.
2. The Secretary shall coordinate the administration and financing of health care benefits, human services and programs including those authorized by the Medicaid State Plan under Title XIX of the US Social Security Act. Nothing in this Order shall be construed as transferring to the Secretary: the powers, duties or functions conferred upon the Departments by the Rhode Island General Laws for the administration of federal/state programs financed in whole or in part with Medicaid funds or the administrative responsibility for the preparation and submission of any state plans, state plan amendments, or federal waiver applications, as may be authorized by Rhode Island general or public laws. As the official responsible for the coordination of publicly – financed health care delivery, the Secretary shall:

- a. Serve as the Governor's chief advisor and liaison to Federal policymakers on Medicaid reform issues as well as the principal point of contact in the State on all such related matters;
  - b. Review and ensure the coordination of any new Departmental waiver requests and renewals as well as any initiatives and proposals requiring amendments to the Medicaid State Plan that may have an impact on the scope, amount and/or duration of Medicaid-funded health care services; provider payments or reimbursements; and/or access to or the availability of benefits and services provided for in statute. Said review shall consider whether any such amendments are legally and fiscally sound, consistent with the State's policy and budget priorities, and capable of achieving the anticipated consumer outcomes and receiving the necessary approvals from Federal officials. The Department Directors shall provide to the Secretary any information and resources deemed necessary to perform Medicaid State Plan Amendment reviews and within the timelines established by the Secretary; and
  - c. Beginning in 2006, prepare and submit to the Governor by no later than December 1<sup>st</sup> of each year a comprehensive overview of all Medicaid expenditures included in the annual budgets developed by the Departments. The Directors of the Departments shall assist and cooperate with the Secretary in fulfilling this responsibility by providing whatever resources, information and support may be deemed necessary.
3. The Secretary shall resolve administrative, jurisdictional, operational, program, or policy conflicts between or among departments and their executive staffs.
4. To ensure continued progress toward improving the quality, the economy and efficiency of state-administered health and human services, the Secretary shall:
  - a. Ensure the Department Directors take the steps necessary to implement human resources services changes that, in accordance with Executive Order 05-11, standardize and/or consolidate practices where appropriate and work together cooperatively to facilitate the establishment of a Professional Services Institute to provide the staff education, training, and career development services necessary to recruit and retain a highly-qualified, skilled and satisfied health and human services workforce;

- b. Encourage the Departments to implement innovative approaches in service design and delivery that are consumer-centered and that expand their capacity to respond efficiently and responsibly to the diverse and changing needs of the people and communities they serve;
  - c. Develop all opportunities to maximize resources by leveraging the State's purchasing power, centralizing and standardizing contractual services, pursuing alternative funding sources through grants, awards and partnerships and securing all available federal financial participation for programs and services provided through the Departments;
  - d. Ensure a coordinated comprehensive budget for the health and human services departments;
  - e. Utilize objective data to evaluate health and human services policy goals, resource use and outcomes and inform short and long-term policy planning and development while fostering the establishment of an integrated approach to information and data management that will facilitate the transition to consumer-centered system of state administered health and human services; and
  - f. At the direction of the Governor, conduct independent evaluations or reviews of State-administered health and human services programs/policies and related agency actions/activities and assist the Department Directors in identifying strategies to address any issues or areas of concern that may emerge during the evaluation or review process. The Department Directors shall provide any information and assistance deemed necessary by the Secretary when undertaking such independent evaluations/reviews of health and human services policies or programs.
5. The Secretary shall prepare and execute an umbrella memorandum of understanding ("MOU") specifying the conditions for providing to the EOHHS any information in the possession of the Departments that is protected as confidential under applicable federal or state laws or regulations. The MOU shall provide to the Departments a written assurance indicating that the confidentiality of any information exchanged under said conditions shall be strictly maintained by the Secretary once in the possession of the EOHHS. The MOU shall also set forth the procedures established by the Secretary for the EOHHS for protecting confidential information and preventing public disclosure under any circumstances.

6. The Departments, and such other departments and agencies of the State as may be appropriate from time to time, shall assist and cooperate with the EOHHS and shall allocate or provide resources as appropriate at the request of the Secretary in furtherance of this Order.
7. The Secretary shall establish as soon as is practicable and feasible an independent advisory committee (EOHHS Advisory Committee) composed of representatives of the network of health and human services providers, the communities the Departments serve, State and local policy makers and any other stakeholders or consumers expressing an interest in improving access to high quality health and human services. The EOHHS Advisory Committee shall assist the Secretary in identifying: issues of concern and priorities in the organization and/or delivery of services; areas where there is need for interdepartmental collaboration and cooperation; and opportunities for building sustainable and effective public-private partnerships that support the missions of the Departments. The EOHHS Advisory Committee shall also provide guidance to the Secretary in developing a plan for establishing, as the successor to the EOHHS, a statutory based office within the executive branch of State government that has the capacity to further the purposes set forth in this Order and to assist the Departments in meeting the complex and changing needs of the people and communities they serve. With the assistance of the Department Directors, the Secretary shall hold health and human services forums and open meetings that encourage community, consumer and stakeholder input on health and human services issues, the proposed statutory office, and EOHHS activities that have been identified by the EOHHS Advisory Committee as areas of concern or important policy priorities or opportunities for the State.
8. The Secretary shall provide regular and timely reports to the Governor.
9. The Secretary shall make recommendations to the Governor in furtherance of the Governor's health and human services agenda.
10. Nothing in this Executive Order shall change, transfer or interfere with, or limit or otherwise restrict: the General Assembly's sole authority to appropriate and re-appropriate fiscal resources to the departments; the statutory or regulatory duties of the Directors of the Departments, or the appointing authority for the employees of the Departments vested in the Directors under applicable general and public laws.

This Executive Order shall take effect immediately upon the date hereto and shall remain in effect until notified by the Governor that its services are no longer required.

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So Ordered:



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Donald L. Carcieri

Dated: 12/1/05